

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	08 CR 215
v.)	
)	Honorable Amy J. St. Eve
KONSTANTINOS ALEXOPOULOS)	
)	Honorable Matthew F. Kennelly
)	Emergency Judge

AGREED EMERGENCY MOTION TO QUASH MATERIAL WITNESS WARRANTS

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court to quash eleven material witness warrants that were issued pursuant to Title 18, United States Code, Section 3144, for material witnesses in the investigation of defendant Konstantinos Alexopoulos's violation of Title 8, United States Code, Section 1324. In support of this motion, the government states as follows:

1. On March 13, 2008, defendant Konstantinos Alexopoulos was charged via indictment with one count of knowingly harboring illegal aliens for the purpose of commercial advantage and private financial gain in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i).

2. In the course of the investigation that led to the indictment returned against Alexopoulos, the government developed eleven witnesses against him: Florencio Chapol-Fiscal, Jesus Gutierrez-Sanchez, Andres Toto-Cholo, Efrain Escriban-Belli, Guadencio Castro-Fausto, Fermin Buevaventura-Valero, Ismael Lopez-Mendoza, Jenaro Cortez-Martinez, Marcos Torres, Miguel De Arcos, and Juan Gallegos-Sanchez. These eleven witnesses are undocumented aliens with no legal status in the United States, and thus the Bureau of Immigration and Customs Enforcement had detained them pending deportation. Deportation was imminent, and the

government was concerned that the material witnesses would be unavailable for trial following deportation because it would be virtually impossible to secure their presence at trial via subpoena if they were deported. Therefore, on March 14, 2008, the government successfully moved this Court to have the eleven witnesses declared material witnesses within the meaning of 18 U.S.C. § 3144, and to detain them pending completion of Rule 15 depositions. On March 20, 2008, separate counsel was appointed for each of the eleven witnesses.

3. On March 20, 2008, this Court ordered, pursuant to Federal Rule of Criminal Procedure 15(a)(2), that the testimony of the eleven material witnesses be taken and preserved for use at trial. The Rule 15 depositions were completed on March 25 and March 26, 2008 and videotaped for use at trial.

4. This motion is emergent in nature because the witnesses need to be returned to the custody of the Bureau of Immigration and Customs Enforcement as soon as possible so that they may be placed on the scheduled Friday flight to the U.S.-Mexican border. Neither counsel for the defendant nor counsel for the witnesses have any objection to this motion.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Court quash the arrest warrants issued in this case so that the witnesses may be returned to the custody of the Bureau of Immigration and Customs Enforcement and be expeditiously removed to their native countries.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

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Dated: March 26, 2008

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that, on March 26, 2008, in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, L.R. 5.5, and the General Order on Electronic Case Filing (ECF), the following documents:

**EMERGENCY AGREED MOTION TO
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were served pursuant to the district court's ECF system as to all ECF filers, and by first-class mail to non-ECF filers, if any.

Respectfully submitted,

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